Banner & Witcoff Ref. No. Chem Ref. No.

01107.82346 DM-3449

## SUBSTITUTE JOINT DECLARATION FOR PATENT APPLICATION

As the below named inventors, we hereby declare that:

Our residence, post	office addre	ss and citizer	iship are as stated below	next to our names:		
We believe we neth sought on the invention entitly which	ie original, fi ed <u>SUBTLE</u>	istandjoint MITOCHO	nventors of the subject in NDRIAL MUTATIONS	natier which is claimed : AS TUMOR MARKE	and for which a patout a RS, the specification o	
is attached	hereto.					
			pplication Serial Numbe	r <u>09/377,856</u> and wa	s amended on	
	(aldenitage		eration Treaty (PCT)	and accorded Turnman	rian-1	
Application	n No.	, filed	, and amended o	and mocordec internal	nonsi	
We hereby statu that claims, as amended by any us			derstand the contents of	the above-identified sp	ecification, including th	
We hareby acknowle Code of Federal Regulations		to disclose i	nformation which is mate	erial to patentability in a	accordance with Tule 3	
We hereby clim for parent or invertor's certificate certificate having a filing dat	e listed belo	y benefits un w and have s	oreign Application( der Title 35, United State Also identified below any extion on which priority:	es Code, at 19 of any for foreign application(s)	ercign application(s) for for patent or inventor	
	T			T	Priority Claimed	
			Date of Filing	Date of Issue	Under 35 U.S.C.	
Country	Applic	ation No.	(day month year)	(day month year)	<b>§</b> 119	
We haveby claim pristed below  U.S. Provisional Applica	iority benefi	rs under Titla	tes Provisional App 35, United States Code, Date of Filing iay month year)	9119(±)(1) of any U.S. Priori	provisional application by Claimed I.S.C, §119(e)(1)	
60/097.307	(1017) 10.		08/20/98	01.46, 35 6	<del> </del>	
homes account to the second se	t bonefit und ster of each c out paragrap to 37. Code	er Title 35. U of the claims of h of Title 35, of Federal Ri	ed States Application (rited States Code, 5120) of this application is not of Urited States Code, 511( couldations, 51,56(a), which	of any Unned States applisclosed in the prior Un 2, we acknowledge the a th occurred between the	ited States application :	
Application Serial	No	(1	Date of Filing Day, Month, Year)	1	X Patented, , Abandoned	
TANNER & WITCOLF,	ETC	The second secon			Rry 1.0 4-17-201	

Banner & Wilnoff Ref. No.

01107.82346 DM-3449

#### Power of Attorney

And we hereby appoint, hoth jointly and severally, as our attorneys with full power of substitution and revocation, to prospecte this application and to transact fill business in the Patent and Trademark Office connected herewith the following at anomays and agents, their registration numbers being listed after their names:

61.610		2.22		
				24,560
			· · - •	22.331
		45.414		42,062
33,644	IWANICKI, John P.	34.626	PATHAK, Ajay S.	3\$.264
45,804	JACKSON, Thomas H.	29,805	PETERSON, Thomas L.	30,969
18,762	KAGAN, Saroh A.	52,141	POTENZA, Joseph M	25,175
<b>+</b> 4 057	KATZ, Robert S.	36.402	PRATT, Thomas K.	37,310
42335	KLEIN, William J.	43,719	RENK, Christcoher J	33.761
42 373	KRAUSE Joseph P.	32.578	RESIS, Roben H.	32.169
20.095	LINER, Emest V.	29.822	RIVARD, Paul M.	43,446
42 402	MALONE, Dale A.	33 <b>.155</b>	ROBINSON, Douglas W.	32.751
40,959	MANNAVA, Ashuk K	45.301	SCHAD, Steven P.	32 550
34,145	MAPLE, Mane-Claire B	37.58B	SHIFLEY, Charles W	28,042
34,571	MAY. Strven A.	41,912	SHULL Joson	47,085
44,642	McDERMOTT, Peler D.	29,411	SKERPON, Joseph M	29.864
39,654	McKEE, Constoner L	32,384	STOCKLEY, D. J	34,257
35,805	NICKZE, Edward F	17.335		37 740
35,509	MEDLOCK, Nina L.	29.673		17.391
40,877	MEECE, T moby C	38.553		19 72-
46,699	MEEKER, Frederic M			33.551
22.133	MILLER, Charles L			38.05
38,\$00				20200.
40.149				
42,633	MOTTLEY, Darrell G.	42,912		
	18.762 45.057 42.335 42.373 20.005 42.402 40.959 34.571 44.642 39.564 35.509 40.877 46.699 32.133 38.500 40.149	17,037 HOSCHEIT, Dave H 29,898 HYMEL Lin I. 33,644 IWANICKI, John P, 45,804 JACKSON, Thornas H. 18,782 KAG AN, Saroh A. 48,057 KATZ, Robert S. 42,338 KLEIN, William J. 42,373 KRAUEE Joseph P. 20,005 JINEK, Emest V. 42,402 MALONE, Dale A. 40,959 MANNAVA, Achor K. 44,145 MAPLE, Manch Claft B 34,571 MAY, Steven A. 44,642 McDERMOTT, Peles D. 19,654 McKEE, Charles D. 19,654 McKEE, Charles D. 19,654 McKEE, Charles C. 15,805 NEDLOCK, Nins L. 40,877 MEECE, T moby C 40,690 MEECE, T moby C 41,690 MEECE, T moby C 41,690 MILLER, Charles L 38,800 MITRUS, Junice V. 40,149 MOREND, Christopher P.	17,037 HOSCHEIT, Daie H 19,090 29,888 FYMEL, Lin J. 45,414 33,844 IWANICKI, John P. 34,626 45,824 JACKSON, Thornes H. 29,838 18,782 KACAN, Sarah A. 52,141 43,057 KATZ, Robert S. 36,402 42,336 KLEIN, William J. 43,719 82,373 KRAUSE Joseph P. 32,578 20,005 LINEK, Emest V. 39,872 42,402 MALONE, Dale A. 52,155 40,939 MANNAVA, Ashar K 45,301 44,143 MAPLE, Mune-Claire B 37,588 34,571 MAY, Steven A. 41,912 44,642 MADERMOTT, Peter D. 29,411 44,642 MACBE, Charlet D. 29,411 49,654 McKEE, Charlother L 32,384 35,809 MEDLOCK, Nina L, 29,673 40,677 MEDCOCK, Nina L, 29,673 40,679 MEECE, T moby C 33,552 40,699 MEECE, T moby C 33,553 MILLER, Clarifer L 33,805 MTRAUS, Januer V. 43,805 40,149 MOREND, Curistopher P. 38,566	17,037 HOSCHEIT, Doir H 19,888 HYMEL, Lin J. 45,414 PATEL, Binal J 33,844 RANNICKI, John P. 34,625 PATHAK, Agay S. 45,834 JACKSON, Thomas H. 29,835 PETERSON, Thomas L. 18,782 KAG AN, Sarah A. 32,141 POTENZA, Joseph M 45,057 KATZ, Robert S. 36,402 PRATHAK, Agay S. 12,1336 KI EIN, William J. 43,719 RENK, Christopher J 12,336 KI EIN, William J. 43,719 RENK, Christopher J 12,3373 KRALSE, Joseph P. 32,578 RESIS, Roben H. 12,095 ILNEK, Ernest V. 29,872 RIVARD, Paul M. 12,402 MALONE, Dale A. 32,135 ROBINSON, Doughs W. 142,402 MALONE, Dale A. 32,135 ROBINSON, Doughs W. 143,145 MAPLE, Muncchlaft B 37,588 SHITLEY, Charles W 143,571 MAY, Steven A. 41,912 SHULL, Jason 144,642 Modern, Charles D. 29,411 SKERRON, Joseph M 19,654 Mocke, Christopher L. 32,384 STOCKLEY, D. J 15,805 MicKE, Edward F 17,335 VANES, J Prieter 15,509 MEDLOCK, Nina L. 29,673 WITCOFF, Shekhon W. 10,699 MEEKER, Frederic M. 35,282 WOLFF, Franklin D 12,131 MILLER, Charles L. 43,805 WRIGHT, Bradle) C. 10,149 MORENO, Civitiopher P. 38,566

All cone-pandence and telephone communications abould be addressed to.

Banner & Witcoff, Ltd Customer Number: 22907 (WDC)

We hereby declare that all statements made berein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may propardize the validity of the application or any patent issuing thereon.

Signature		Date	
Full Name of First Inventor	POLYAK	Komelia	
Rasidance <u>Roslindale, MA</u> Post Office Address <u>25 Feirvic</u> a	Family Name  Sucal Reslindate MA	First Given Name	Second Given Name
Signature Full Name of Sacdard Inventor		Date	93001
Residence <u>Bultimore Maryland</u> Post Office Address 3700 Breto	VOGELSTEIN Femily Name	Bert First Given Name Citizenship Unite	Second Given Name d States of America

BANNER & WITCOFF, LID

Rev 1 0 H-17-2000

Page 2 of 3

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Harrie Harris
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Signature - Onn	et W. Vin	Date_	10/2/01	
Ful Name of Third Inventor	KINZLER	Kenneth	<u> </u>	
	Family Name	First Given Name	Second Given Name	
Residence Beldir, Magdand		Citizenship Unite	d States of America	
Part Office Address 1403 Halling	Way Balkie Mandand 21	015		

### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In repatent application of

Attorney Docket No. 01107.82346

Kornelia POLYAK et al.

Group Art Unit: 1655 Examiner: C. Wilder

Serial No. 09/377,856

Filed: August 20, 1999

BATCH No. M76

For: SUBTLE MIOCHONDRIAL MUTATIONS AS TUMOR MARKERS

#### SUBMISSION OF SUBSTITUTE DECLARATION

Assistant Commissioner of Patents Washington, D.C. 20231

Sir:

Submitted herewith two identical Declarations: the first executed by the named inventor Kornelia Polyak; the second by the named inventors Bert Vogelstein and Kenneth Kinzler. These two declarations are to be considered as a single Joint Substitute Declaration.

Applicants request that the attached Substitute Declaration replace the originally filed Declaration in the above-subject U.S. patent application, since the originally filed Declaration erroneously claimed benefit from prior United States application 60/377,856 filed August 20, 1999, when, in fact, the benefit should have been from serial number 60/097,307, filed August 20, 1998. "The errors in the originally filed declaration were typographical errors." The Substitute Declaration further updates the residence address of Kornelia Polyak, which has changed since the filing of the original Declaration.

The undersigned believes that no additional fees are involved in filing this Substitute Declaration. However, if necessary, the Commissioner is hereby authorized to charge any additional fees to Deposit Account 19-0733.

Respectfully submitted,

I in I Hymel

Registration No. 45,414

Dated: 10-26-01

BANNER & WITCOFF, LTD. 1001 G Street, N.W. Eleventh Floor Washington, D.C. 20001 Banner & Wittoff Ref. No:

Chent Ref. No.

# control No: 01107.82346 DM-3449 SUBSTITUTE JOINT DECLARATION FOR PATENT APPLICATION

As the below named inventors, we hereby declare that:

sought on the invention entitle which is attached was filed o  (if  was filed: Application  We hereby state that	therem.  A Newset 20, 1999 as applicable).  under the Patent Co. 190. file we have reviewed and	Application Serial Number operation Treaty (PCT) dsud amended contents of	er 09/377.856 and was and accorded Internation (if any).	RS, the specification of amended on the same of the sa
Diams, as amended by any an We hereby acknowle Code of Federal Regulations,	dge the duty to disclos	e information which is men	erial to patentability in a	coordance with Title 37
We hereby claim for patem or inventors certificate pertificate having a filing date	eign priority benefits : : listed below and bay		es Code, 3119 of any for foreign application(s)	
Country	Application No.	Date of Filing (day month year)	Date of Issue (day month year)	Priority Claimed Under 35 U.S.C §119
isted below:	ority benefits under Ti	tates Provisional App tle 35, United States Code, Date of Filing	all9(e)(1) of any U.S.  Priori	ty Claimed
U.S. Provisional Applicant 60/097,307	on No.	(day month year) 08/20/98	Under 35 U	.S.C. §119(e)(1)
We hereby claim the nd. insofar as the subject man as manner provided by the fir aformation as defined in Title pplication and the national o	benefit under Title 35, ter of each of the claim at paragraph of Title 3 a 37, Code of Federal	5. United States Code, s117 Regulations, s1.56(a) which	of any United States applications of the prior United States of the prior United States of the december of the pocurred between the	ited States application is jury to discloss reserve
Application Serial N	lo	Date of Filing (Day, Month, Year)		X Patented, , Abandoned

on to state the contributed by the first of the contribute of the

Banner & Witcoff Ref. No. Client Ref. No

01107.82346 DM-3449

And we hereby appoint, both jointly and severally, as our shorneys with full power of substitution and revocation, to prosecute this application and to wanted all business in the Patent and Trademark Office connected herewith the following at attorneys and agents, their registration numbers being listed after their names:

ALTHERR, Robert F. BANNER, Donald W. BANNER, Maris T. BECKET, William W. BERCHAMMER, Joseph J. BODNER, Jordan BUROW, Scott A. CALLAHAN, James V. CHANG, Steve E. COHAN, Gregory J. COOPERMAN, Marc S. CURTIN, Joseph F. DAVID, Michael DEMOOR, Laurt J. EVANS, Thomas L. FEDOROCHKO, Gary D. FERGUSON, Catherine A. FICKLER, Debria A. FISHER, William I. GLEMBOCIO, Christopher R. HANLON, Brissa E. HEMMENDENGER, Liss M.	31,810 17,037 29,883 33,644 45,824 18,262 46,037 62,338 42,375 20,005 42,402 40,959 34,143 34,571 44,642 39,654 35,509 40,877 46,699 32,133 38,800 40,449 42,653	HONG, Parricia E. HOSCHEIT, Dak H. HYMEL, Lin I TWANCKI, IGOR P. JACKSON, Thomas H. KACIAN, Sambi A. KATZ, Robert S. ELLEIN, William J. KRALEE, Joseph P. LINEK, Ernest V. MALONIE, Date A. MANNAYA, Ashok K. MAPLE, Mario-Claure B. MAY, Streen A. MCDERMOTT, Poter D. McKEE, Christopher L. McKEE, Christopher L. McKEE, Christopher L. McKEE, Edward F. MEDLOCK, Nims L. MEDECE, Timothy C. MERKER, Fraderia M. MILLER, Charles L. MITREJS, Jenick V. MGRENG, Christopher P. MOTTLEY, Derrell G.	34,375 19,090 45,414 34,628 29,808 32,141 36,402 43,719 32,578 29,822 32,155 45,301 37,588 44,912 29,411 32,354 17,355 28,673 28,553 35,282 43,805 43,805 43,805 43,805 43,805	NELSON, Jon O. NIBGOWSKI, Jaroba A. PATEL, Biball. PATEAK, Alay S. PETERSON, Thomas L. POTENZA, Journh M. PRATT, Thomas K. RENK, Christopher J. RESS, Robert H. RIVARD, Paul M. ROBINSON, Dougles W. SCHAD, Stoven P. SHIFLEY, Charles W. STHILL, Jamon SKERPON, Joseph M. STOCKLEY, D. J. VAN BS, J. Pieter WITCOPF, Sheklon W. WOLFFE, Frankin D. WOLFFE, Susan A. WRISHT, Bradey C.	24,566 28,331 42,065 38,266 30,969 24,175 37,210 33,761 32,168 43,446 32,751 32,550 28,042 47,085 29,864 34,257 37,746 17,399 19,724 33,568 28,061
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All correspondence and telephone communications should be addressed to

Banner & Witcoff, Ltd. (WDC) Customer Number: 22907

We hereby declars that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon. 100 101

Signature Date  Full Name of Second Inventor VOGELSTEIN Bett  Family Name First Given Name Second Given Name  Family Name Clrizenship United States of America  Post Office Address 3700 Breton Way, Baltimore Maryland 21208  Rev 1.0 8-17-2000	Signature Full Name of First Inventor  Residence Rostmodule B D Post Office Address 36 Factories	POLYAK Family Name  OOKLINE, MA Street, Realizable, MA	Kornelis First Given Name Citizenship Hungst 2111 1856 BEACO	Second Given Name riem N ST. APT GF N MA 02445	 FRP 10121
Post Office Address 3700 Breton Way, Balanton, Walying	Full Name of Second Inventor	Family Name	First Given Name Clrizenship Uzit	Second Given Name	
	Post Office Address 3700 Bret	on Way, Baltimore, Marvis	and 21208	Ray 1.0 \$	-17-2000

Signature		Date	
Full Name of Third inventor	KINZLER	Kenneth	<u> </u>
	Family Name	First Given Name	Second Given Name
Residence BelAir, Maryland		Citizenship United	States of America
	Way, BelAir, Maryland	21015	

BANNER & WITCOFF, LTD.

Rev 1.0 6-(7-2000